

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MARISSA HARRIS
Plaintiff,

v.

TITLEMAX OF TEXAS, INC.
Defendant.

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Civil Action No. 4:19-cv-001138

**DEFENDANT TITLEMAX OF TEXAS, INC.’S ANSWER TO
PLAINTIFF’S COMPLAINT**

To the Honorable Judge of Said Court:

Defendant TitleMax of Texas, Inc. (“TitleMax”) files its Answer to Plaintiff’s Complaint [Dkt. 1] (“Complaint”) and respectfully shows the Court as follows:

SPECIFIC DENIALS AND ADMISSIONS

1. With respect to the allegations in Paragraph 1, TitleMax lacks sufficient information or knowledge to form a belief as to the truth regarding those allegations. To the extent a response is required, these allegations are denied.

2. The allegations of Paragraph 2 of the Complaint are admitted.

3. The allegations of Paragraph 3 of the Complaint, being mere conclusions of law, call for no response from TitleMax.

FACTUAL ALLEGATIONS

4. TitleMax denies all allegations in Paragraph 4 of the Complaint.
5. TitleMax denies all allegations in Paragraph 5 of the Complaint.
6. TitleMax denies all allegations in Paragraph 6 of the Complaint.
7. TitleMax denies all allegations in Paragraph 7 of the Complaint.
8. TitleMax denies all allegations in Paragraph 8 of the Complaint.
9. TitleMax denies all allegations in Paragraph 9 of the Complaint.
10. TitleMax denies all allegations in Paragraph 10 of the Complaint.
11. TitleMax denies all allegations in Paragraph 11 of the Complaint.
12. TitleMax denies all allegations in Paragraph 12 of the Complaint.
13. TitleMax denies all allegations in Paragraph 13 of the Complaint.
14. TitleMax denies all allegations in Paragraph 14 of the Complaint.
15. TitleMax denies all allegations in Paragraph 15 of the Complaint.

**COUNT ONE
NEGLIGENCE CLAIM AGAINST DEFENDANT**

16. TitleMax denies all allegations in Paragraph 16 of the Complaint.
17. TitleMax denies all allegations in Paragraph 17 of the Complaint.
18. TitleMax denies all allegations in Paragraph 18 of the Complaint.
19. TitleMax denies all allegations in Paragraph 19 of the Complaint.

**COUNT TWO
CONVERSION CLAIM AGAINST DEFENDANT**

- 20. TitleMax denies all allegations in Paragraph 20 of the Complaint.
- 21. TitleMax denies all allegations in Paragraph 21 of the Complaint.
- 22. TitleMax denies all allegations in Paragraph 22 of the Complaint.
- 23. TitleMax denies all allegations in Paragraph 23 of the Complaint.
- 24. TitleMax denies all allegations in Paragraph 24 of the Complaint.
- 25. TitleMax denies all allegations in Paragraph 25 of the Complaint.

**COUNT THREE
VIOLATION OF THE U.C.C. AGAINST DEFENDANT**

- 26. TitleMax denies all allegations in Paragraph 26 of the Complaint.
- 27. TitleMax denies all allegations in Paragraph 27 of the Complaint.
- 28. TitleMax denies all allegations in Paragraph 28 of the Complaint.

**COUNT FOUR
VIOLATIONS OF THE TEXAS DEBT COLLECTION PRACTICES ACT
AGAINST DEFENDANT**

- 29. TitleMax denies all allegations in Paragraph 29 of the Complaint.
- 30. TitleMax denies all allegations in Paragraph 30 of the Complaint.
- 31. TitleMax denies all allegations in Paragraph 31 of the Complaint.
- 32. TitleMax denies all allegations in Paragraph 32 of the Complaint.
- 33. TitleMax denies all allegations in Paragraph 33 of the Complaint.

COUNT FIVE
VIOLATIONS OF THE TEXAS MOTOR VEHICLE INSTALLMENT SALES ACT

- 34. TitleMax denies all allegations in Paragraph 34 of the Complaint.
- 35. TitleMax denies all allegations in Paragraph 35 of the Complaint.
- 36. TitleMax denies all allegations in Paragraph 36 of the Complaint.

COUNT SIX
ASSAULT AND BATTERY

- 37. TitleMax denies all allegations in Paragraph 37 of the Complaint.
- 38. TitleMax denies all allegations in Paragraph 38 of the Complaint.
- 39. TitleMax denies all allegations in Paragraph 39 of the Complaint.

DAMAGES

40. TitleMax denies that Plaintiff is entitled to any recovery or relief as prayed for in Paragraph 40 of the Complaint.

41. TitleMax denies that Plaintiff is entitled to any recovery or relief as prayed for in Paragraph 40 of the Complaint.

42. TitleMax denies that Plaintiff is entitled to any recovery or relief as prayed for in Paragraph 40 of the Complaint.

WHEREFORE, PREMISES CONSIDERED, Defendant Titlemax of Texas, Inc. prays that, upon final hearing, judgment be entered that Plaintiff Marissa Harris take nothing against Defendant by reason of this civil action. Defendant further requests that the Court award it attorneys' fees, costs of suit, and any other relief to which it is entitled at law or in equity.

Respectfully submitted,

BROWN SIMS, P.C.

/s/ H. Miles Klaff
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Counsel for Titlemax of Texas, Inc.

Certificate of Service

This is to certify that a true and correct copy of the foregoing instrument has been forwarded to the following attorneys of record by U.S. certified mail, return receipt requested, facsimile, email, e-service, or hand-delivery on this the 19th day of July 2016:

John C. Hubbard
JOHN C. HUBBARD, LLC
351 24th St., N. #953
Birmingham, Alabama 35203
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/s/ H. Miles Klaff
H. Miles Klaff